

REMARKS

This amendment is submitted in response to the Examiner's action dated August 1, 2006 having a shortened statutory period set to expire on November 1, 2006.

In that rejection the Examiner has rejected Claims 1, 4-6, 8, 11, 15, 18, 21, 23, 25 and 26 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. That rejection, in so far as it might be applied to the claims as amended herein, is respectfully traversed.

Specifically, the Examiner notes a belief that within Claim 1, at line 4, the term "persistent" is not clear. The Applicant does not understand the Examiner's confusion as the Applicant has used the term "persistent" in its ordinary everyday meaning. Specifically, as defined in Webster's New Colligate Dictionary, persistent generally means "continuing or inclined to persist" or "existing for a long or longer than usual time or continuously." Applicant submits herewith a copy of that definition should the Examiner require further clarification.

Next, the Examiner objects to the language "may be" within Claims 1 and 8 at lines 5 and 9 and 3 and 7 respectively. While the Applicant believes that this particular language does not render the claims unclear, Applicant has amended each of these claims to recite positively that the transaction group "can be" "treated both as..."

With respect to Claim 15, the Examiner believes this claim is directed toward software language which constitutes first, second and third instructions which the Examiner believes are "pure software limitations." Applicant urges the Examiner to consider that Claim 15 expressly recites that these instructions are embodied within "computer usable medium" and, following the Director's decision to withdraw from the Appeal in *in re Beauregard*, 53 F3d 1583 (Fed Cir 1995), stating that computer instructions embodied within computer usable medium do constitute patentable subject matter. Nevertheless, in order to further clarify this language, Applicant has amended Claim 15 to recite a first "instruction set" and a second "instruction set" each of which is now expressly recited as being "embodied within computer usable medium" and the Examiner is urged to consider that such language clearly constitutes patentable subject matter under current patent office interpretation.

With respect to Claims 21, 25 and 26, in order to attempt to expedite the seemingly interminable prosecution in this application, Applicant has canceled Claims 21, 23, 25, and 26. Thus, the Examiner's objection to these claims is believed to be rendered moot.

Next, the Examiner has rejected Claims 1, 4-6, 8, 11 and 18 under 35 U.S.C. § 101 believing the claimed invention lacks patentable utility. This position is believed to be based upon the Examiner's interpretation of the "may be" language previously within Claims 1 and 8 and as that language has been amended the Examiner's position with respect to this rejection is no longer believed to be valid.

Next, the Examiner has raised, for the first time in the long prosecution history of this application, a belief that a restriction requirement may be required noting "this application contains claims directed to the following patentably distinct species: Figs. 1, 2A, 2B, 3, 4A, 4B. The species are independent are distinct because each contains features not disclosed from the other Figures."

Applicant has carefully examined Chapter 800 of the Manual of Patent Examination Procedure regarding "Restriction In Applications Filed under 35 U.S.C. § 111" and fails to find any basis therein for assertion of a restriction requirement based upon features disclosed in selected Figures which are not disclosed in other Figures within the application. Specifically, under Chapter 800, Section 802.01, restriction is proper when claimed inventions are independent and/or distinct. Independent inventions are defined as inventions where there is "no disclosed relationship between two or more inventions claimed, that is, they are unconnected in design, operation, and effect." Further, Section 802.01 notes that related inventions are "distinct if the inventions *as claimed* are not connected in at least one of design, operation, or effect and wherein at least one invention is PATENTABLE OVER THE OTHER...."

Thus, the Examiner's position that species within the present application are independent or distinct as a result of features disclosed within selected Figures and not disclosed within other Figures is not believed to have merit.

Further, Claims 1, 8 and 15, the independent claims remaining in the present application, are clearly not independent and/or distinct as required in Chapter 800 for a restriction

requirement. Claim 1 recites a method for facilitating account statement reconciliation while Claim 8 recites an apparatus for facilitating account statement reconciliation while Claim 15 recites a computer program product for performing account statement reconciliation. Chapter 800 of the Manual of Patent Examination Procedure makes it clear that a process or method and an apparatus utilized to practice that process are dependent inventions and not subject to possible restriction requirement. Consequently, the Examiner's urging of restriction, in so far as it might be applied to the claims remaining within the present application, is believed to be without merit and its withdrawal is respectfully requested.

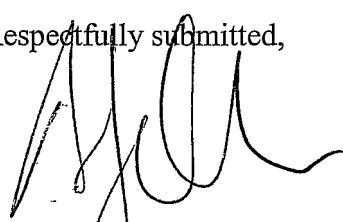
The Examiner also notes an interest in *Purcell*, United States Patent Number 5,727,161, noting that this reference "appears to disclose Applicant's inventive concept." Applicant sincerely hopes that this application of *Purcell* is based upon an unduly broad interpretation of Applicant's claims based upon the Examiner's misapprehension with respect to the previous language within the claims. Applicant has carefully examined *Purcell* and fails to find the slightest scintilla of a suggestion of Applicant's inventive concept, as currently claimed.

In summary, Claims 1, 4-6, 8, 11, 15 and 18 clearly define patentable subject matter over the prior art of record and, as amended herein, lack any vagueness or indefiniteness when read by one having ordinary skill in the art. Consequently, Applicant urges the withdrawal of all objections and rejections and the passage of this application to issue.

CONCLUSION

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **Deposit Account 09-0447**.

Respectfully submitted,



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ATTORNEY FOR APPLICANTS



New Collegiate Dictionary

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G. & C. MERRIAM COMPANY
Springfield, Massachusetts, U.S.A.

ed ability to absorb
or
Y
in aromatic French
xeroneus, fr. *perone*
igh — more at FOR]

V, fr. L *per* through
through or by way

at-ing [L *peroratus*,
an oration, fr. *peroration*] 1 : to
make a peroration
concluding part of
rhetorical speech —
adj
yme that catalyzes
as
containing a high
hydrogen peroxide) in
m — *per-ox-ide*
peroxide; *esp* : to

³-some] : a cyto-
production and
i-som-al \rak-sa-
-] : containing the

er-thoroughly +
w : to reflect on
LECT

\perpendicu-lar, fr.
nb line, fr. *per-* +
standing at right
igh : b : being at
ely steep : PRE-
dlish Gothic style
e 4 : relating to,
milar type or on
— *per-pen-dic-u-*
rily \dik-yo-lar-

the plane of the
tremely steep face

\perpetratus, pp.
mpish] : to bring
— *per-pe-tration*
-trat-or] n
ME *perpetuus*, fr.
go to — more at
NG b (1) : valid
r for an unlimited
ong-continued 3

syn see CONTINU-
-e\ adv

e day of the week
endar having the
dates

tecks to which an
w in chess

g [L *perpetuus*,
etual or cause to
action \-pech-e-
-n

1E *perpetuite*, fr.
fr. *perpetuus*] 1

ate of being per-
condition of an

within the period

annuity payable

end of *piperazine*
S that is used to
chotic conditions

ed, perplexed, fr.
olived, fr. pp. of
to make unable
decisively about
oblem] 2 : to

PULSE

nty : PUZZLED 2

\-pleks-tlē\ adv
erplexite, fr. OF

plexus] 1 : the
something that

quired by other
ut. of *perquisitus*,
, to search for
to seek] 1 : a
ry or wages; *esp*
something held
cepts . . . not the

erre, pierre rock,
leading up to a

per-ry \per-ē\ n [ME *peirrie*, fr. MF *peré*, fr. (assumed) VL *piratum*, fr. L *pirum* pear]: the expressed juice of pears often made alcoholic by fermentation

pers abbr person; personal; personnel

Pers abbr Persia; Persian

per-salt \per-solt\ n 1 : a salt containing a relatively large proportion of the acidic element or group 2 : a salt of a peracid

per-se \par-sē\ also *pe(ar)-sā* or \par-sē\ *adv* [L]: by, of, or in itself or oneself or themselves : as such: INTRINSICALLY

per second per second *adv* : per second every second — used of a rate of acceleration over an indefinite period

per-se-cute \par-si-kü-tē\ *vi* -cut-ed; -cut-ing [MF *persecuter*, back-formation fr. *persecuteur* persecutor, fr. LL *persecutor*, fr. *persecutio*, pp. of *persequi* to persecute, fr. L, to pursue, fr. *per*-through + *sequi* to follow — more at SUE] 1 : to harass in a manner designed to injure, grieve, or afflict; *specif* : to cause to suffer because of belief 2 : to annoy with persistent or urgent approaches (as attacks, pleas, or importunities) : PESTER — *per-se-cu-tive* \-kyü-tiv\ *adj* — *per-se-cu-tor* \-kyü-tör\ *n* — *per-se-cu-to-ry* \-kyü-tör-ē, -ör\; \-kyü-t-ə-rē\ *adj*

per-se-cu-tion \par-si-kü-shən\ *n* 1 : the act or practice of persecuting esp. those who differ in origin, religion, or social outlook 2 : the condition of being persecuted, harassed, or annoyed

Per-seid \par-sē-ēd\ *n* [L *Perseus*; fr. their appearing to radiate from a point in Perseus] : any of a group of meteors that appear annually about August 11

Per-seph-o-ne \par-sēf-ə-nē\ *n* [L, fr. Gk *Persephōnē*]: a daughter of Zeus and Demeter abducted by Pluto to reign with him over the underworld

Per-seus \par-sü-s\, -sē-əs\ *n* [L, fr. Gk] 1 : the son of Zeus and Danae and slayer of Medusa 2 [L (gen. *Persei*, fr. Gk) : a northern constellation between Taurus and Cassiopeia

per-se-ver-ance \par-sə-vir-əns\ *n* : the action or condition or an instance of persevering : STEADFASTNESS

per-se-ver-a-tion \par-sə-və-tā-shən\ *n* [L *perseveration*, *perseveratio*, fr. *perseveratus*, pp. of *perseverare*] : continuation of something (as repetition of a word) usu. to an exceptional degree or beyond a desired point

per-se-ver-e \par-sə-vērē\ *vi* -ver-ed; -ver-ing [ME *perseveren*, fr. MF *perseverer*, fr. L *perseverare*, fr. *per*-through + *severus* severe] : to persist in a state, enterprise, or undertaking in spite of counter influences, opposition, or discouragement

Per-sian \par-zhən, esp. Brit. \shən\ *n* 1 : one of the people of Persia: as a : one of the ancient Iranian Caucasians who under Cyrus and his successors became the dominant Asian race b : a member of one of the peoples forming the modern Iranian nationality 2 a : any of several Iranian languages dominant in Persia at different periods b : the modern language of Iran and western Afghanistan used also in Pakistan and by Indian Muslims as a literary language — see INDO-EUROPEAN LANGUAGES table 3 : a thin soft silk formerly used esp. for linings — *Persian* adj

Persian cat : a stocky, round-headed domestic cat that has long and silky fur and is the long-haired cat of shows and fanciers

Persian lamb 1 : the young of the karakul sheep that furnishes skins used in furriery 2 : a pelt that is obtained from karakul lambs older than those yielding broadtail and that is characterized by very silky, tightly curled fur

per-si-flage \par-si-flāzh\, \per-\ *n* [F, fr. *persifler* to banter, fr. *per*-through + *siffler* to whistle, hiss, boo fr. L *sibilare*, of imit. origin] : frivolous bantering talk : light railing

per-sim-mon \par-sim-ən\ *n* [of Algonquian origin; akin to Cree *pasiminan* dried fruit] 1 : any of a genus (*Diospyros*) of trees of the ebony family with hard fine wood, oblong leaves, and small bell-shaped white flowers; *esp* : an American tree (*D. virginiana*) or a Japanese tree (*D. kaki*) 2 : the usu. orange several-seeded globular berry of a persimmon that is edible when fully ripe but usu. extremely astringent when unripe

per-sist \par-sist\, -zist\ *v* [ME *persiste*, fr. L *persistere*, fr. *per*- + *sistere* to take a stand, stand firm; akin to L *stare* to stand — more at STAND] 1 : to go on resolutely or stubbornly in spite of opposition, importunity, or warning 2 *obs* : to remain unchanged or fixed in a specified character, condition, or position 3 : to be insistent in the repetition or pressing of an utterance (as a question or an opinion) 4 : to continue to exist esp. past a usual, expected, or normal time *syn* see CONTINUE — *per-sister* *n*

per-sis-tence \par-sis-təns\, -zis\ *n* 1 : the action or fact of persisting 2 : the quality or state of being persistent; *esp* : PERSEVERANCE

per-sis-tent \par-təns\ *n* : PERSISTENCE 2

per-sis-tent \par-təns\ *adj* [L *persistens*, *persistens*, pp. of *persistere*] 1 a : continuing or inclined to persist in a course b : continuing to exist in spite of interference or treatment *as a cough* 2 : existing for a long or longer than usual time or continuously: as a : retained beyond the usual period *as a leaf* b : continuing without change in function or structure *as gills* c : effective in the open for an appreciable time usu. through slow volatilizing *as mustard gas is ~* d : degraded only slowly by the environment *as pesticides* e : remaining infective for a relatively long time in a vector after an initial period of incubation *as viruses* — *per-sis-tently* *adv*

per-snick-e-ty \par-snik-ətē\ *adj* [alter. of *pernickety*, perh. alter. of *particular*] 1 a : fussy about small details: FASTIDIOUS *as a teacher* b : having the characteristics of a snob 2 : requiring great precision: EXACTING *as a job*

per-son \par-sən\ *n* [ME, fr. OF *personne*, fr. L *persona* actor's mask, character in a play, person, prob. fr. Etruscan *phersu* mask] 1 : an individual human being; *esp* : a human being as distinguished from an animal or thing 2 : a character or part in or as if in a play: GUISE 3 a : one of the three modes of being in the Trinitarian Godhead as understood by Christians b : the unitary personality of Christ that unites the divine and human natures 4

perry • personate

a *archaic* : bodily appearance b : the body of a human being <unlawful search of the ~> 5 : the individual personality of a human being; SELF 6 : one (as a human being, a partnership, or a corporation) that is recognized by law as the subject of rights and duties 7 : reference of a segment of discourse to the speaker, to one spoken to, or to one spoken of as indicated by means of certain pronouns or in many languages by verb inflection — *per-son-hood* \-hūd\ *n* — *in person* : in one's bodily presence

per-so-na \par-sə-nə, -nā\ *n* [L] 1 *per-so-nae* \-nē, -nī\ *pl* : the characters of a fictional presentation (as a novel or play) *comic personae* 2 *pl* *personas* [NL, fr. L] : an individual's social facade or front that esp. in the analytic psychology of C. G. Jung reflects the role in life the individual is playing — compare ANIMA

per-so-nable \par-sə-nə-bəl, -nə-bəl\ *adj* : pleasing in person : ATTRACTIVE — *per-so-nable-ness* *n*

per-so-nage \par-sə-nāj, -nāj\ *n* 1 : a person of rank, note, or distinction; *esp* : one distinguished for presence and personal power 2 : a dramatic, fictional, or historical character; *also* : IMPERSONATION 3 : a human individual: PERSON

per-so-na-gra-ta \par-sə-nə-grā-tə, -grāt\ *adj* [NL, acceptable person] : being personally acceptable or welcome

per-so-nal \par-sə-nəl, -nəl\ *adj* [ME, fr. MF, fr. LL *personalis*, fr. L *persona*] 1 : of, relating to, or affecting a person: PRIVATE *done purely for ~ financial gain* 2 a : done in person without the intervention of another; *also* : proceeding from a single person b : carried on between individuals directly *as ~ interview* 3 : relating to the person or body 4 : relating to an individual or his character, conduct, motives, or private affairs often in an offensive manner *as ~ insult* 5 : being rational and self-conscious *as ~*, responsive government is still possible — John Fischer 6 : of, relating to, or constituting personal property *as ~ estate* 7 : denoting grammatical person

per-sonal *n* 1 : a short newspaper paragraph relating to the activities of a person or a group or to personal matters 2 : a short personal or private communication in a special column of the classified ads section of a newspaper or periodical

personal effects *pl* : privately owned items (as clothing and toilet articles) normally worn or carried on the person

personal equation *n* : variation (as in observation) occasioned by the personal peculiarities of an individual; *also* : a correction or allowance made for such variation

personal foul *n* : a foul in a game (as basketball) involving usu. physical contact with or deliberate roughing of an opponent — compare TECHNICAL FOUL

per-so-nal-ism \par-sə-nəl-izəm, -nəl-\ *n* : a doctrine emphasizing the significance, uniqueness, and inviolability of personality — *per-so-nal-ist* \-ləst\ *n* or *adj* — *per-so-nal-is-tic* \par-sə-nəl-istik, -nəl-\ *adj*

per-so-nal-ity \par-sə-nəl-ətē, \par-sə-nəl-\ *n*, *pl* -ties [ME *personalite*, fr. LL *personalitat*, *personalitas*, fr. *personalis*] 1 a : the quality or state of being a person b : personal existence 2 a : the condition or fact of relating to a particular person; *specif* : the condition of referring directly to or being aimed disparagingly or hostilely at an individual b : an offensively personal remark *indulgence in personalities* 3 a : the complex of characteristics that distinguishes an individual or a nation or group b (1) : the totality of an individual's behavioral and emotional tendencies (2) : the organization of the individual's distinguishing character traits, attitudes, or habits 4 a : distinction or excellence of personal and social traits; *also* : a person having such quality b : a person of importance, prominence, renown, or notoriety *as a well-known stage ~* *syn* see DISPOSITION

personality inventory *n* : any of several tests that attempt to characterize the personality of an individual by objective scoring of replies to a large number of questions concerning his own behavior — compare MINNESOTA MULTIPHASIC PERSONALITY INVENTORY

personality test *n* : any of several tests that consist of standardized tasks designed to determine various aspects of the personality or the emotional status of the individual examined

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personal property *n* : property other than real property consisting of things temporary or movable : CHATTELS

personal shopper *n* : a person (as a store employee) who assists shoppers in choosing their purchases or who personally selects merchandise to fill telephone or mail orders

personal tax *n* : DIRECT TAX

per-so-nal-ity \par-sə-nəl-ē, -nəl-\ *n*, *pl* -ties [AF *personalité*, fr. LL *personalitat*, *personalitas*]: PERSONAL PROPERTY

per-so-na-not-gra-ta \par-sə-nə-nə-nān-grā-tə, -grāt\ *adj* [NL, person not acceptable] : being personally unacceptable or unwelcome

per-so-nate \par-sə-not, -nət\ *adj* [L *personatus* masked, fr. *persona* mask] 1 of a bilabiate corolla : having the throat nearly closed by a palate 2 : having a personate bilabiate corolla *as a flower*

per-so-nate \par-sə-nət\ *vi* -at-ed; -at-ing 1 a : IMPERSONATE. REPRESENT b : to assume without authority some character or

a abut b kitten c further d back e bake f cot, cart g out h chain i less j easy k gift l trip m life n joke o sing p flow q flaw r coin s thin t th thin u loot v foot y yet y few y furious zh vision